

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

- - - - - X  
:  
UNITED STATES OF AMERICA : INDICTMENT  
:  
- v. - : 22 Cr.  
:  
BRIAN O'NEILL, :  
:  
Defendant. :  
:  
- - - - - X

22 CRIM 057

COUNT ONE  
(Wire Fraud)

The Grand Jury charges:

1. From at least in or about August 2020 up to and including December 3, 2021, in the Southern District of New York and elsewhere, BRIAN O'NEILL, the defendant, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, did transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds, for the purpose of executing such scheme and artifice, to wit, O'NEILL, through interstate emails and financial transfers, carried out a scheme to defraud a medical equipment company headquartered in Pennsylvania ("Victim-1") by misappropriating over five million dollars of funds he had promised to hold in escrow.

(Title 18, United States Code, Section 1343.)

COUNT TWO  
(Wire Fraud)

The Grand Jury further charges:

2. From at least in or about April 2021 up to and including December 3, 2021, in the Southern District of New York and elsewhere, BRIAN O'NEILL, the defendant, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, did transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds, for the purpose of executing such scheme and artifice, to wit, O'NEILL, through interstate emails and financial transfers, carried out a scheme to defraud a Hong Kong-based investor ("Victim-2") by misappropriating over three million dollars of funds he had promised to hold in escrow.

(Title 18, United States Code, Section 1343.)

COUNT THREE  
(False Statements)

The Grand Jury further charges:

3. On or about September 10, 2021, in the Southern District of New York and elsewhere, BRIAN O'NEILL, the defendant, in a matter within the jurisdiction of the executive

branch of the Government of the United States, knowingly and willfully did make materially false, fictitious, and fraudulent statements and representations, to wit, O'NEILL falsely represented to special agents of the Federal Bureau of Investigation that \$5.1 million he was purportedly holding in escrow remained in an escrow account.

(Title 18, United States Code, Section 1001(a)(2).)

**COUNT FOUR**  
**(Perjury)**

The Grand Jury further charges:

4. On or about October 1, 2021, in the Southern District of New York and elsewhere, BRIAN O'NEILL, the defendant, in a declaration, certificate, verification, and statement made under penalty of perjury pursuant to Title 28, United States Code, Section 1746, in a case then pending before the United States District Court for the Southern District of New York under docket number 21-CV-06135, knowingly made false material declarations, to wit, O'NEILL, in a sworn declaration, falsely stated that "[a]s of today, I still have control of the \$1.8 million of the subject escrow funds . . . remaining to be deposited pursuant to the interpleader ordered by this Court."

(Title 18, United States Code, Section 1623.)

**FORFEITURE ALLEGATIONS**

1. As a result of committing the offenses alleged in Counts One and Two of this Indictment, BRIAN O'NEILL, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of said offenses, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offenses.

**Substitute Asset Provision**


2. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

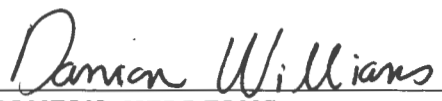
- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p) and Title 28, United States

Code, Section 2461(c), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Section 981;  
Title 21, United States Code, Section 853; and  
Title 28, United States Code, Section 2461.)

  
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FOREPERSON

  
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DAMIAN WILLIAMS  
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

v.

BRIAN O'NEILL,

Defendant.

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INDICTMENT

22 Cr.

(18 U.S.C. §§ 1343, 1623, 1001(a)(2))

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DAMIAN WILLIAMS  
United States Attorney

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*Brian Canale*  
Foreperson

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True Bill & Indictment  
filed before OTW on 1/26/22  
*W*

Wheel H. J. Caproni / OTW Jan 26, 2022